

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

GALDERMA LABORATORIES, L.P. :
and GALDERMA S.A., :
Plaintiffs-Counterclaim Defendants, :
v. : CIVIL ACTION NO. 4:06-CV-471-Y ..
ACTAVIS MID ATLANTIC LLC, :
Defendant-Counterclaim Plaintiff. :
4 - 0 7 C V - 3 0 9 - Y

**ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO
FILE FIRST AMENDED ANSWER AND COUNTERCLAIM AND
SEVERING AND STAYING CERTAIN OF THOSE COUNTERCLAIMS
(with special instruction to the clerk)**

Pending before the Court is Defendant's Motion for Leave to File Its First Amended Answer and Counterclaim [doc. # 46], filed March 21, 2007. Pursuant to the parties' agreement, the Court GRANTS the motion.¹ Thus, Defendant shall electronically file its amended answer and counterclaim no later than three days from the date of this order.²

The parties agree that Defendant's antitrust and unfair-competition counterclaims, as asserted in counts three, four, and five of Defendant's proposed amended answer and counterclaim, should not be litigated or determined until after dismissal or final determination of Plaintiffs' claims and Defendant's other counterclaims. Thus, once the amended answer and counterclaim is filed, the clerk is ORDERED to sever counts three,

¹Plaintiffs' consents to the motion for leave "subject to and reserving any and all defenses" to Defendant's counterclaims.

²The amended answer and counterclaim must also comply with this Court's ECF assignment order.

four, and five of Defendant's amended answer and counterclaim from this cause of action and assign it a separate cause number assigned to the undersigned.³ Further, the new action shall be STAYED, and the clerk shall ADMINISTRATIVELY CLOSE it on the docket. Upon dismissal or final determination of Plaintiff's claims and Defendants' remaining counterclaims in this cause of action, any party may move to reopen the severed cause of action.

SIGNED May 17, 2007.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

³Pursuant to the parties' agreement, these severed counterclaims will be considered to have been brought as counterclaims in cause no. 4:06-CV-471-Y